



## City of Seattle

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### Department of Planning and Development

D. M. Sugimura, Director

### CITY OF SEATTLE ANALYSIS AND DECISION OF THE DIRECTOR OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT

**Project Number:** 3013538

**Applicant:** Stan Hanson, Stillwell Hanson Architects

**Address of Proposal:** 6673 B NE Windermere Road

#### **SUMMARY OF PROPOSAL**

Land Use Application to allow a 110 square foot addition to an existing single family residence.

The following approval is required:

**Variance** – to allow a principal structure to extend into a required rear yard.  
(SMC23.44.014B)

#### **SITE AND VICINITY**

**Site Location:** The site is located east of NE Windermere Road at its terminus with Magnuson Park. An ingress and egress easement provides access to multiple lots located between NE Windermere Road, the Park and Lake Washington. The subject site is located on the north side of the easement just south of Magnuson Park.

**Zoning:** Single Family 9600. The eastern portion of the site is located in an Urban Residential (UR) Shoreline Environment (all development proposed under this application will be located outside the Shoreline Environment).

**Parcel Size:** 12,313 square feet.

Existing Use: Single family residence.

Environmental Critical Areas: A small 173 square foot area has been designated steep slope. The steep slope is isolated and located in the southwest corner of the property near the garage. The proposed addition will not be constructed in the proximity of the steep slope.

Proposal: The proposal is to construct a one story, at grade addition measuring six feet by 18 feet -1½ inches. Eaves and gutters will extend beyond the walls. The addition will measure approximately 13 feet in height. The addition will be located at the northwest corner of the house and provide additional living space off the kitchen. The required rear yard is 20 feet measured from the west property line. The addition will extend six feet into the required 20 foot rear yard with eaves extending an additional 1.5 feet.

Public Comment: The public comment period ended on July 4, 2012. No public comment letters were received.

#### **ANALYSIS – VARIANCE (SMC 23.40.020)**

As provided in SMC 23.40.020, variances from the provisions or requirements of Seattle Municipal Code Title 23 shall be authorized only when all of the facts and conditions stated in the numbered paragraphs below are found to exist:

- 1. Because of unusual conditions applicable to the subject property, including size, shape, topography, location or surroundings, which were not created by the owner or applicant, the strict application of this Land Use Code would deprive the property of rights and privileges enjoyed by other properties in the same zone or vicinity;***

The site has several unusual conditions which include size and shape which were not created by the owner or applicant. The subject site is located in a Single Family 9600 zone. The lot area measures 12,313 square feet which is generally consistent with other lots in the vicinity- some being much larger. However the lot configuration is unusual in that there are 10 separate property lines creating an odd shape lot with two distinct building envelopes. The existing single family residence is located within the northern building envelope and the existing detached garage is located in the southern building envelope. Lots in the vicinity are generally square or rectangular with one continuous building envelope defined by front, side and rear yards.

The applicant is proposing to construct an addition to their existing single family residence which is a right and privilege enjoyed by properties in the zone since the Land Use Code allows for certain structures and additions to extend into required yards and allows for the expansion of structures nonconforming to yard requirements. Properties in the vicinity, due to their regular lot shapes, have larger continuous building envelopes and defined yards. These lots are

more easily developable and have a greater ability to comply with development standards which do not address applicability to lots such as the subject site which has an unusual configuration. Further, the relationship of existing structures and established floor plans to property lines limit the ability to expand where needed depriving the owner of rights and privileges enjoyed by other properties in the vicinity with larger and continuous building envelopes. The applicant has shown that due to the size and shape the strict application of this Land Use Code would deprive the property of rights and privileges enjoyed by other properties in the same zone or vicinity. Therefore criterion one has been met.

**2. *The requested variance does not go beyond the minimum necessary to afford relief and does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is located;***

The requested variance does not go beyond the minimum necessary to afford relief. The addition will specifically add living space to an existing family area adjoining an existing kitchen. The addition will extend six feet into the required 20 foot rear yard and does not appear excessive compared to the existing footprints of single family residences located in the general vicinity.

Single family residences located in this zone have the ability to expand structures within the limits of the land use code. The code allows for certain structures and additions to extend into required yards and allows for the expansion of structures nonconforming to yard requirements. However due to the irregular shape of this specific lot compared to other lots in the area and to the location of the existing house and established floor plan the applicant cannot expand the living area in a reasonable manner meeting the specific requirements of the Land Use Code similar to other single family residences in the vicinity and zone. Allowing the addition will not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone which the subject property is located. Therefore criterion two has been met.

**3. *The granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the zone or vicinity in which the subject property is located;***

The granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvement in the zone or vicinity in which the subject property is located. The one-story addition will be located near the northwest corner of the property in the rear yard. The location is at a toe of a heavily vegetated slope. An existing single-family residence is located near the west property line at the top of the slope. The height of the slope is approximately eight feet with a 30 percent grade. The existing house on the subject site is two stories so the new addition will not block any views from the adjacent residence or have direct sight lines into the adjacent structure. The north property line abuts Parks property. The new addition will be located nine feet from this property line. Review by the Seattle Park

Department did not identify any impacts to Parks property resulting from this variance request. Therefore criterion three has been met.

**4. *The literal interpretation and strict application of the applicable provisions or requirements of this Land Use Code would cause undue hardship or practical difficulties;***

As discussed under Criterion one, the literal interpretation and strict application of the applicable requirements of the Land Use Code would cause undue hardship by not allowing the property owner to reasonably expand a portion of the structure to accommodate additional living space. Due to size and shape of the site and the location of existing structures the strict application of the applicable provisions of the Land Use Code would cause practical difficulties. Therefore criterion four has been met.

**5. *The requested variance would be consistent with the spirit and purpose of the Land Use Code and adopted Land Use regulations for the area.***

Rear yards provide for adequate light, air, and open space. The addition as proposed in this variance will not impact light, air, and open space of the adjoining neighbor nor will it significantly reduce the light, air and open space existing on the subject site due to its location next to Magnuson Park. Granting the variance will allow expansion of an existing structure which is permitted in the Land Use Code. Thus the requested variance would be consistent with the spirit and purpose of the Land Use Code and adopted Land Use regulations for the area. Therefore criterion five has been met.

**DECISION - VARIANCE**

As provided in SMC 23.40.020, variances from the provisions or requirements of Seattle Municipal Code Title 23 shall be authorized only when all of the facts and conditions stated in the numbered criteria above are found to exist. Based on the above analysis, DPD concludes that the requested variance as conditioned meets the numbered criteria. Therefore the requested variance is **Approved as shown on plan set sheets date stamped May 31, 2012.**

**CONDITIONS - VARIANCE**

None.

Signature: \_\_\_\_\_ (signature on file) Date: August 27, 2012  
Stephanie Haines, Senior Land Use Planner  
Department of Planning and Development

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